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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,649	02/13/2004	Michael David Metzger	52493.000367	5674
21967 7590 11/25/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109				
EXAMINER				
KOPPIKAR, VIVEK D				
ART UNIT		PAPER NUMBER		
3686				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,649

Applicant(s)

METZGER ET AL.

Examiner

VIVEK D. KOPPIKAR

Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. Claims 1-22 have been examined in this application. This communication is a Final Office Action in response to the "Remarks" and "Amendment" filed on October 16, 2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 10-13, 16-20 and 21 are rejected under 35 U.S.C. 103(a) as being by unpatentable by US Patent Number 6,151,584 to Papierniak in view of US Patent Number 6,415,284 to D'Souza.

(A) As per claim 1, Papierniak teaches a system for performing data collection of insurance related submitted data provided by an applicant for insurance on a submitted form (Papierniak: Abstract) , the system comprising:
a data input portion that inputs the submitted form so that the submitted data on the submitted form is available to a data entry operator (Papierniak: Col. 10, Ln. 47-54 and Col. 21, Ln. 29-35); and
a data collector tool, which processes entered data that is entered by the data entry operator, onto an internal electronic form, based on the submitted data submitted by the

applicant (Papierniak: Col. 18, Ln. 51-6), the data collector including:

a form flow portion that presents the data entry operator with a series of form

flows for collection of the submitted data, the form flows progressing through various user

interface screens in collection of the submitted data, (Papierniak: Col. 6, Ln. 60-62 and Col. 22, Ln. 6-13);

and

a metadata portion that generates metadata, the metadata containing information about entered data, the metadata being progressively generated during progression of the form flows through the various user interface screen (Papierniak: Col. 12, Ln. 2-16 and Col. 21, Ln. 7-10).

Papierniak does not teach the following feature which is taught by D'Souza (Col. 1, Ln. 53-59):

wherein the form flows use content sensitive logic

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Papierniak with the above teachings from D'Souza with the motivation of having a means of validating data, as recited in D'Souza (Col. 1, Ln. 53-54).

(B) As per claim 2, in Papierniak, the metadata is based on input by the data entry operator (Papierniak: Col. 20, Ln. 63-66)

(C) As per claim 3, in Papierniak, the metadata portion presents the data entry operator with a plurality of metadata to choose from so as to capture information about the entered data (Papierniak: Col. 19, Ln. 4-11).

(D) As per claim 6, in Papierniak the metadata portion presents the metadata to the date entry operator using labels that are each associated with at least one field on the internal electronic form (Papierniak: Col. 17, Ln. 52-59).

(E) As per claims 10-11, Papierniak does not explicitly recite that a single label containing the metadata is associated with a single or plural fields on the internal electronic form, however, the Office takes the position that this feature is inherent in Papierniak (Col. 19, Ln 5-10 and Col. 20, Ln. 37-43)) because the cited section of Papierniak discusses managing various sets of metadata. Because the metadata is organized into sets and each set corresponds to a particular business (business's forms) , it is inherent that each label for a set of metadata corresponds to at least a single field or multiple fields of information or data which originate from the forms of a business.

(F) As per claim 12, in Papierniak the data collector tool does not include a validation portion, the validation portion performing validation checks on the entered data entered on the internal electronic form, however, this features is well known in the computer software and data management and information technology fields, as illustrated by D'Souza (Col. 1, Ln. 53-59). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Papierniak with the above teachings from D'Souza with the motivation of having a means of validating data, as recited in D'Souza (Col. 1, Ln. 53-54).

(G) As per claim 13, the combined teachings of Papierniak in view of D'Souza do not teach that the validation portion performs a validation process on a field upon exiting a field, however, the Office takes the position that this feature is inherent because a validation module

cannot perform a validation process until it has read all the information in a field and this cannot be done until the validation module has exited the field.

(H) As per claim 15, in Papierniak the data tool collector allows a subsequent user to vary the metadata of the internal electronic form after initial entry by the data entry operator and to properly reflect that correction (Papierniak: Col. 21, Ln. 51-62).

(I) As per claim 16, in Papierniak the data input portion processes a scanned version of the submitted form and presents the scanned version of the submitted form to the data entry operator via the user interface (Papierniak: Col. 21, Ln. 29-35).

(J) As per claims 17-19, these claims are substantially similar to Claims 1-3, respectively, and are therefore rejected in the same manner as these claims, as set forth above.

(K) As per claim 20, this claim is substantially similar to Claim 6, above, and is therefore rejected in the same manner as this claim, which is set forth above.

(L) As per claim 21, this claim is substantially similar to Claim 1, above, and is therefore rejected in the same manner as this claim, which is set forth above.

7. Claims 4-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of D'Souza, as applied to Claim 3, above, and in further view of US Patent Application Publication 2004/0123202 to Talagala.

(A) As per claims 4-5, Papierniak does not teach the following feature which is taught by Talagala (Section [0034]):

wherein the data collector tool provides the data entry operator with the ability to reflect deficient information on the submitted form in conjunction with identifying the deficient

information with metadata and wherein the deficient information includes at least one of altered information, blank information and unreadable information.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Papierniak in view of D'Souza with the aforementioned teachings from Talagala with the motivation of having a means of detecting errors in data (storage devices), as recited in Talagala (Section [0004]).

(B) As per claim 22, this claim is substantially similar to Claims 1, 5, 6, and is therefore rejected on the same basis as this claim, which is set forth above.

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak, as applied to Claim 1, above, and in further view of US Patent Number 7,117,450 to Chaudhri.

(A) As per claims 7-9, Papierniak does not teach the following features, however, this feature is taught by Chaudhri (Col. 1, Ln. 25-47): wherein the metadata portion presents the metadata to the data entry operator using labels by modifying the labels using font attributes, wherein the font attributes include one of color, bold, underline and italics, and wherein the data entry operator controls the operation of the metadata portion using hotkeys, such that the data entry operator controls the labeling of the fields using metadata as the data entry operator desires, the hotkeys comprising a series of keystrokes.

At the time of the invention, one of ordinary skill in the art would have been motivated to have modified the teachings of Papierniak with the above teachings from Chaudhri with the

motivation of having a means of adjusting font attributes, as recited in Chaudhri (Col. 1, Ln. 25-27).

9. Claim 14 is rejected under 35 U.S.C. 103(a) over Papierniak in view of D'Souza as applied to Claim 12, above, and in further view of US Patent Number 6,731,993 to Carter.

The combined teachings of Papierniak in view of D'Souza do not teach that the validation portion performs a validation process on a page upon exiting a page nor do they teach that the internal electronic form is arranged based on pages of the internal electronic form, however, this feature is taught by Carter (Col. 9, Ln. 50-54).

At the time of the invention one of ordinary skill in the art would have been motivated to have modified the aforementioned teachings of Papierniak in view of D'Souza with the above teachings from Carter with the motivation of having a means of performing a validation check, as recited in Carter (Col. 9, Ln. 50-54).

Response to Arguments

10. The Claim Objection and the 35 U.S.C. 101 rejection set forth in the Office Action dated July 16, 2008 have been withdrawn in view of the "Amendment" and "Remarks" filed on October 16, 2008.

11. Applicant's arguments filed on October 16, 2008 with respect to the pending claims have been fully considered but they are not persuasive. The arguments will be presented in sequential order as they were presented in the "Remarks" section filed on October 16, 2008.

(1) As an initial matter, the portion of Papierniak that was cited in the Office Action dated July 16, 2008 is Column 18, Lines 51-60. The Office regrets any confusion.

(2) Applicants argue that Papierniak fails to teach or suggest that the data is coming from a submitted form and that Papierniak fails to teach an internal electronic form. To respond to this argument, the Office would like to point out that in Papierniak the data is coming from customer operational systems and the Office takes the position that these customer operational systems contain some means or forms of gathering data. Therefore the Office does not understand the applicants contention that the data in Papierniak is coming from a different source when the data in Papierniak is simply coming from a customer operational system and it is implicit that these customer operational systems contain some type of form or means of gathering data which comprises the internal electronic form.

(3) Applicants argue that Papierniak does not teach a system for performing data collection of insurance submitted data with a data entry operator entering the “submitted data” through a form flow portion and that since Papierniak does not teach or suggest entering the insurance related submitted data Papierniak cannot teach or suggest “the form flows progressing through various user interfaces in collected of the submitted data.

To respond to the argument, the Office would like to point out that the limitations regarding insurance related submitted data is only in the preamble and not in the body of the claims so it has not been given patentable weight. Furthermore, the Office does not understand the applicant’s contention that Papierniak cannot teach that “the form flows progressing through various user interface in collection of the submitted data” since it does not teach insurance related submitted data because this aforementioned limitation does not require insurance related

submitted data it only requires submitted data and as set forth in the 35 U.S.C. 103(a) rejection above, this feature is taught in Papierniak.

(3) Applicants argue that "verification logic" is different from "content sensitive logic" but do not explain their contention. Moreover, the Office takes the position that verification logic necessarily involves content sensitive logic because in order for verification of data to take place its content must be analyzed and therefore verification logic involves the use of content sensitive logic.

(4) The applicants argue that the Papierniak reference does not allow a user to choose the metadata so as to capture information about the entered data. However, Papierniak (Col. 19, Ln. 4-11) teaches this very feature because this cited portion of Papierniak allows a user to analyze and manipulate (choose or reconcile) different metadata and the very definition of metadata information about data.

(5) With regard to Claims 7-9 and 14, the applicants have traversed the Office's use of Official Notice in these claims, which was set forth in the Office Action dated July 16, 2008. The Office has now provided evidence in the form of patent references to support its use of Official Notice in these claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jerry O'Connor, can be reached at (571) 272-6787.

14. Official replies to this Office action may now be submitted electronically by registered users of the EFS-Web system. Information on EFS-Web tools is available on the Internet at: <http://www.uspto.gov/ebc/portal/tools.htm>. An EFS-Web Quick-Start Guide is available at:

<http://www.uspto.gov/ebc/portal/efs/quick-start.pdf>.

Alternatively, official replies to this Office action may still be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies should be directed to the central fax at (571) 273-8300.** Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

Sincerely,

Vivek D Koppikar /VDK/
Examiner, Art Unit 3686
11/25/2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686